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**HOUSE BILL 807**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Max Coll

**FOR THE LEGISLATIVE FINANCE COMMITTEE**

**AN ACT**

**RELATING TO HIGHER EDUCATION; PROVIDING TUITION SCHOLARSHIPS FOR QUALIFIED INDIVIDUALS WHO ATTEND A STATE EDUCATIONAL INSTITUTION WITHIN ONE YEAR AFTER COMPLETING HIGH SCHOOL OR RECEIVING A GRADUATE EQUIVALENT DIPLOMA; PROVIDING TUITION SCHOLARSHIPS FOR UP TO TWO AND ONE-HALF YEARS TO QUALIFIED INDIVIDUALS WHO TRANSFER FROM CERTAIN TWO-YEAR INSTITUTIONS TO CERTAIN FOUR-YEAR INSTITUTIONS; ELIMINATING THE REQUIREMENT THAT CERTAIN TWO-YEAR INSTITUTIONS MUST USE ALL OTHER SCHOLARSHIP FUNDS BEFORE GRANTING ANY LOTTERY TUITION SCHOLARSHIPS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 21-1-4.3 NMSA 1978 (being Laws 1996, Chapter 71, Section 3, as amended) is amended to read:**

**"21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED-- CERTAIN**

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1 EDUCATIONAL INSTITUTIONS. --

2 A. To the extent that funds are made available by  
3 the legislature from the lottery tuition fund, the boards of  
4 regents of New Mexico state university, New Mexico institute of  
5 mining and technology, eastern New Mexico university, western  
6 New Mexico university, the university of New Mexico, New Mexico  
7 highlands university and northern New Mexico state school shall  
8 award tuition scholarships for qualified resident students  
9 attending their respective institutions and branches of those  
10 institutions.

11 B. Except as authorized in Subsection C of this  
12 section, the tuition scholarships authorized in this section  
13 shall apply only to full-time resident students who,  
14 [~~immediately upon completion of~~] within one year of completing  
15 a high school curriculum at a public or accredited private New  
16 Mexico high school or [~~upon~~] receiving a graduate equivalent  
17 diploma, are accepted for entrance to and attend one of the  
18 state educational institutions set forth in this section or one  
19 of the branches of those institutions. Each tuition  
20 scholarship shall be awarded for up to four consecutive years  
21 beginning the second semester of the recipient's first year of  
22 enrollment, provided that the recipient has maintained  
23 residency in New Mexico and maintained a grade point average of  
24 2.5 or higher on a 4.0 scale during his first semester of full-  
25 time enrollment.

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1 C. The tuition scholarships authorized in this  
2 section shall also apply to full-time resident students who,  
3 [~~immediately upon completion of~~] within one year of completing  
4 a high school curriculum at a public or accredited private New  
5 Mexico high school or [~~upon~~] receiving a graduate equivalent  
6 diploma, attend a two-year public post-secondary educational  
7 institution in New Mexico and who, upon the completion of that  
8 curriculum or at the end of two years, whichever is sooner,  
9 transfer to one of the post-secondary state educational  
10 institutions set forth in this section. Those students shall  
11 be eligible for a tuition scholarship for two and one-half  
12 consecutive years, provided that those students maintain  
13 residency in New Mexico, maintain a grade point average of 2.5  
14 or higher on a 4.0 scale and attend the institution full time  
15 during the regular academic year.

16 D. The tuition scholarships authorized in this  
17 section shall also apply to full-time resident students who:

18 (1) within one hundred twenty days of  
19 completion of a high school curriculum at a public or  
20 accredited private New Mexico high school, or of receiving a  
21 graduate equivalent diploma, begin service in the United States  
22 armed forces; and

23 (2) within one hundred twenty days of  
24 completion of honorable service or medical discharge from the  
25 service are accepted for entrance to and attend one of the

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1 state educational institutions set forth in this section.

2 E. The commission on higher education shall prepare  
3 guidelines setting forth explicit student continuing  
4 eligibility criteria and guidelines for administration of the  
5 tuition scholarship program. Guidelines shall be distributed  
6 to the board of regents of each institution to enable a uniform  
7 availability of the resident student tuition scholarships. "

8 Section 2. Section 21-13-10 NMSA 1978 (being Laws 1963,  
9 Chapter 17, Section 9, as amended) is amended to read:

10 "21-13-10. BOARD DUTIES. --

11 A. It is the duty of the community college board to  
12 determine financial and educational policies of the community  
13 college. The community college board shall provide for the  
14 management of the community college and execution of these  
15 policies by selecting a competent president for the community  
16 college, and, upon the president's recommendation, the board  
17 shall employ other administrative personnel, instructional  
18 staff or other personnel as may be needed for the operation,  
19 maintenance and administration of the community college.

20 B. The community college board shall have the power  
21 to fix tuition and fee rates for resident and nonresident  
22 students of the district, to accept gifts, to accept federal  
23 aid, to purchase, hold, sell and rent property and equipment  
24 and to promote the general welfare of the institution for the  
25 best interest of educational service to the people of the

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1 community college district.

2 C. To the extent that funds are made available by  
3 the legislature from the lottery tuition fund, the community  
4 college board shall award tuition scholarships for qualified  
5 resident students attending their respective institutions.

6 ~~[All other scholarship funds available to the board shall be  
7 used before granting any lottery tuition scholarships.]~~

8 D. The tuition scholarships authorized in this  
9 section shall apply only to full-time resident students who,  
10 ~~[immediately upon completion of]~~ within one year of completing  
11 a high school curriculum at a public or accredited private New  
12 Mexico high school or ~~[upon]~~ receiving a graduate equivalent  
13 diploma, are accepted for entrance to and attend a community  
14 college. Each tuition scholarship shall be awarded for up to  
15 two consecutive years beginning the second semester of the  
16 recipient's first year of enrollment, provided that the  
17 recipient has maintained residency in New Mexico and maintained  
18 a grade-point average of 2.5 or higher on a 4.0 scale during  
19 his first semester of full-time enrollment.

20 E. The commission on higher education shall prepare  
21 guidelines setting forth explicit student continuing  
22 eligibility criteria and guidelines for administration of the  
23 tuition scholarship program. Guidelines shall be distributed  
24 to community college boards to enable a uniform availability of  
25 the ~~[scholarship]~~ resident student tuition scholarships. "

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1           Section 3.   Section 21-13-19 NMSA 1978 (being Laws 1968,  
2 Chapter 70, Section 2, as amended) is amended to read:

3           "21-13-19.   ENROLLMENT DEFINED--PAYMENTS. --

4           A.   For those students in community colleges taking  
5 college-level courses, full-time-equivalent students shall be  
6 defined and computed by the commission on higher education in  
7 the same manner in which it defines and computes full-time-  
8 equivalent students for all other college-level programs within  
9 its jurisdiction.

10          B.   No student shall be included in any calculations  
11 made under the provisions of this section if the student is  
12 enrolled in a course the cost of which is totally reimbursed  
13 from federal, state or private sources.   The public school  
14 district shall transfer to the community college the tuition  
15 and fees for any student who, during the term, is counted in  
16 the membership of the public school district and will receive  
17 high school credit for coursework at the community college.

18          C.   The commission on higher education shall not  
19 recommend an appropriation greater than three hundred twenty-  
20 five dollars (\$325) for each full-time-equivalent student for  
21 any community college that levies a tax at a rate less than two  
22 dollars (\$2.00), unless a lower amount is required by operation  
23 of the rate limitation provisions of Section 7-37-7.1 NMSA 1978  
24 upon a rate of at least two dollars (\$2.00) on each one  
25 thousand dollars (\$1,000) of net taxable value, as that term is

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1 defined in the Property Tax Code, or any community college that  
2 reduces a previously authorized tax levy, except as required by  
3 the operation of the rate limitation provisions of Section  
4 7-37-7.1 NMSA 1978.

5 D. The commission on higher education shall require  
6 from the community college such reports as the commission deems  
7 necessary for the purpose of determining the number of full-  
8 time-equivalent students at the community college eligible to  
9 receive support under this section.

10 E. A community college board shall establish  
11 tuition and fee rates for its respective institutions for full-  
12 time, part-time, resident and nonresident students, as defined  
13 by the commission on higher education.

14 F. A community college board may establish and  
15 grant gratis scholarships to students who are residents of New  
16 Mexico in an amount not to exceed the matriculation fee or  
17 tuition and fees, or both. [~~Except as provided for lottery~~  
18 ~~scholarships~~] These scholarships are in addition to the lottery  
19 tuition scholarships authorized in Section 21-13-10 NMSA 1978  
20 and shall be granted to the full extent of available funds  
21 before lottery tuition scholarships are granted. The number of  
22 scholarships established and granted pursuant to this  
23 subsection shall not exceed three percent of the preceding fall  
24 semester enrollment in each institution and shall not be  
25 established and granted for summer sessions. The president of

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1 each institution shall select and recommend to the community  
2 college board of his institution, as recipients of  
3 scholarships, students who possess good moral character and  
4 satisfactory initiative, scholastic standing and personality.  
5 At least thirty-three and one-third percent of the gratis  
6 scholarships established and granted by each community college  
7 board each year shall be granted on the basis of financial  
8 need. "

9 Section 4. Section 21-16-10 NMSA 1978 (being Laws 1968,  
10 Chapter 59, Section 3, as amended) is amended to read:

11 "21-16-10. APPROPRIATION--DISTRIBUTION. --

12 A. The commission on higher education shall  
13 recommend an appropriation for each technical and vocational  
14 institute based upon its financial requirements in relation to  
15 its authorized program and its available funds from non-general  
16 fund sources; provided, the recommended appropriation shall be  
17 an amount not less than three hundred twenty-five dollars  
18 (\$325) for each full-time-equivalent student.

19 B. The commission on higher education shall by rule  
20 provide for the method for calculating the number of full-time-  
21 equivalent students in technical and vocational institutes. No  
22 student shall be included in any calculation of the number of  
23 full-time-equivalent students if the student is enrolled in a  
24 course, the cost of which is totally reimbursed from federal,  
25 state or private sources. The public school district shall

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1 transfer to the technical and vocational institute the tuition  
2 and fees for any student who, during the term, is counted in  
3 the membership of the public school district and will receive  
4 high school credit for coursework at the technical and  
5 vocational institute.

6 C. The commission on higher education shall not  
7 recommend an appropriation greater than three hundred  
8 twenty-five dollars (\$325) for each full-time-equivalent  
9 student for any technical and vocational institute that levies  
10 a tax at a rate less than two dollars (\$2.00), unless a lower  
11 amount is required by operation of the rate limitation  
12 provisions of Section 7-37-7.1 NMSA 1978 upon a rate approved  
13 by the electors of at least two dollars (\$2.00) on each one  
14 thousand dollars (\$1,000) of net taxable value, as that term is  
15 defined in the Property Tax Code, or any technical and  
16 vocational institute that reduces a previously authorized tax  
17 levy, except as required by the operation of the rate  
18 limitation provisions of Section 7-37-7.1 NMSA 1978.

19 D. The board may establish and grant gratis  
20 scholarships to students who are residents of New Mexico in an  
21 amount not to exceed the matriculation fee or tuition and fees,  
22 or both. [~~Except as provided in Section 21-16-10.1 NMSA 1978~~]  
23 These scholarships are in addition to the lottery tuition  
24 scholarships authorized in Section 21-16-10.1 NMSA 1978 and  
25 shall be granted to the full extent of available funds before

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1 lottery tuition scholarships are granted. The number of  
2 scholarships established and granted pursuant to this  
3 subsection shall not exceed three percent of the preceding fall  
4 semester enrollment in the technical and vocational institute  
5 and shall not be established and granted for summer sessions.  
6 The president of the technical and vocational institute shall  
7 select and recommend to the board as recipients of scholarships  
8 students who possess good moral character and satisfactory  
9 initiative, scholastic standing and personality. At least  
10 thirty-three and one-third percent of the gratis scholarships  
11 established and granted by the board each year shall be granted  
12 on the basis of financial need. "

13 Section 5. Section 21-16-10.1 NMSA 1978 (being Laws 1996,  
14 Chapter 71, Section 6, as amended) is amended to read:

15 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

16 A. To the extent that funds are made available by  
17 the legislature from the lottery tuition fund, the board of a  
18 technical and vocational institute shall award tuition  
19 scholarships for qualified resident students attending a  
20 technical and vocational institute. [~~All other scholarship~~  
21 ~~funds available to the board shall be used before granting any~~  
22 ~~lottery tuition scholarships.~~]

23 B. The tuition scholarships authorized in this  
24 section shall apply only to full-time resident students who,  
25 [~~immediately upon completion of~~] within one year of completing

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1 a high school curriculum at a public or accredited private New  
2 Mexico high school or ~~upon~~ receiving a graduate equivalent  
3 diploma, are accepted for entrance to and attend a technical  
4 and vocational institute. Each tuition scholarship shall be  
5 awarded for up to two consecutive years beginning the second  
6 semester of the recipient's first year of enrollment, provided  
7 that the recipient has maintained residency in New Mexico and  
8 maintained a grade-point average of 2.5 or higher on a 4.0  
9 scale during his first semester of full-time enrollment with  
10 renewal of an additional two years upon transfer.

11 C. The commission on higher education shall prepare  
12 guidelines setting forth explicit student continuing  
13 eligibility criteria and guidelines for administration of the  
14 tuition scholarship program. Guidelines shall be distributed  
15 to the boards of technical and vocational institutes to enable  
16 a uniform availability of the resident student tuition  
17 scholarships. "

18 Section 6. TEMPORARY PROVISION--APPLICABILITY.--The  
19 provisions of this act extending eligibility for tuition  
20 scholarships to those students who attend a public post-  
21 secondary educational institution within one year of either  
22 completing a high school curriculum or receiving a graduate  
23 equivalent diploma apply to students who complete a high school  
24 curriculum or receive a graduate equivalent diploma on or after  
25 May 1, 2003.

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